

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to removal of obsolete mental health and disability services rules and providing an opportunity for public comment

The Human Services Department hereby proposes to rescind Chapter 15, “Resolution of Legal Settlement Disputes,” and Chapter 23, “Mental Health and Disability Services Redesign Transition Fund,” and to amend Chapter 25, “Disability Services Management,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 225C.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 225C.6.

Purpose and Summary

These proposed amendments rescind Chapter 15. When the term “legal settlement” was replaced by the term “county of residence” in statute, the Department’s dispute resolution method changed. Also, the authorizing state law, Iowa Code section 225C.8, was repealed by 2012 Iowa Acts, chapter 1120, sections 129 and 130. As a result, Chapter 15 no longer conforms to state law.

These amendments also rescind Chapter 23. Chapter 23 provides rules for gathering information and guiding the development of recommendations to the Governor and Legislature for the mental health and disability services transition fund for state fiscal year 2013. This funding was one-time funding and is no longer applicable.

Finally, these amendments rescind rule 441—25.81(225C) and the preamble and title of Division VII in Chapter 25. Prior to 2014, counties were required to establish or affiliate with a community mental health center or complete a waiver in order to receive community services funds. The authorizing state law, Iowa Code section 225C.7, was repealed by 2014 Iowa Acts, chapter 1092, section 152. As a result, the content in Division VII of Chapter 25 no longer conforms to state law.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. These amendments eliminate obsolete rules that no longer conform to Iowa Code.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Human Services Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on June 11, 2019. Comments should be directed to:

Iowa Department of Human Services
Appeals Section
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

- ITEM 1. Rescind and reserve **441—Chapter 15**.
- ITEM 2. Rescind and reserve **441—Chapter 23**.
- ITEM 3. Amend **441—Chapter 25**, Division VII title, as follows:

DIVISION VII
~~COMMUNITY MENTAL HEALTH CENTER WAIVER REQUEST~~

- ITEM 4. Rescind **441—Chapter 25**, Division VII preamble.
- ITEM 5. Rescind and reserve rule **441—25.81(225C)**.